

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAYMOND REUDY and KEVIN HICKS dba)	No. C-02-5438 SC
ADVERTISING DISPLAY SYSTEMS,)	
)	
Plaintiffs,)	ORDER RE: SPECIAL
)	MASTER'S REPORT AND
v.)	<u>RECOMMENDATION</u>
)	
CLEAR CHANNEL OUTDOORS, INC., a)	
Delaware Corporation, et al.,)	
)	
Defendants.)	
_____)	

The Special Master in the above matter has rendered his Report and Recommendation dated March 23, 2007 and filed April 3, 2007.

The Court after having read, reviewed, and considered said report and recommendation, hereby approves and accepts the recommendations in the following particulars:

The Court issues the following orders:

1. Clear Channel's motion to dismiss:

Clear Channel's motion to dismiss Plaintiffs' 2002 lawsuit against it based on the doctrine of abstention is DENIED. The Court Orders, as in its original Order of April 11, 2003, to continue to stay the action pursuant to the doctrine of primary jurisdiction until November 16, 2007, at which time the City's enforcement of its sign ordinance can be reevaluated. It is also Ordered that the stay apply to the 25 signs (originally ordered for review).

2. Defendants CBS and Roche's Motion to Dismiss:

The Court finds that the Release Agreement bars all of Plaintiffs' claims against Defendants CBS and Roche.

3. Nuisance, unjust enrichment and violations of the antitrust laws:

The Court finds that Plaintiffs have failed to state causes of action against any of the Defendants for nuisance, unjust enrichment or violations of the antitrust laws.

4. Intentional interference with an economic relation:

The Court will allow Plaintiffs to amend their complaint regarding their cause of action for interference with an economic relation; however, this action only remains viable as to Defendant Clear Channel. Furthermore, Plaintiffs will be given one final opportunity to amend the Complaint. Plaintiffs must plead a specific economic relationship that was interfered with within the two year statute of limitations.

IT IS SO ORDERED.

Dated: April 9, 2007



UNITED STATES DISTRICT JUDGE